

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

Trans-Radial Solutions, LLC,

Plaintiff,

v.

Burlington Medical, LLC *et al.*,

Defendants.

Civil Action No. 2:18-cv-00656

JURY TRIAL DEMANDED

ANSWER TO COUNTERCLAIM

Trans-Radial Solutions, LLC, by counsel, for its answer to the Counterclaim filed by Burlington Medical, LLC (D.E. 38), states as follows:

General Denial

To the extent that Burlington Medical, LLC's Answer, Affirmative Defenses, and Counterclaim state conclusions of law, no responsive pleading is required; if and to the extent that any response is required, Trans-Radial denies any such allegation and further denies Burlington Medical, LLC's prayers for relief.

Counterclaim Paragraphs

1. Admitted.
2. Admitted.
3. Paragraph three of the counterclaim states a legal conclusion to which no response is required except that 35 U.S.C. § 293 is inapplicable to the present case and must be denied.
4. Trans-Radial admits that it filed the Complaint (D.E. 1), which speaks for itself; otherwise the allegations in paragraph four of the counterclaim are denied.

5. Answering paragraph five of the counterclaim, the asserted '346 Patent, having been thoroughly examined and properly issued by the United States Patent and Trademark Office, enjoys the presumption of validity under 35 U.S.C. § 282; otherwise, the allegations are denied.

6. To the extent any allegation in the counterclaim is not expressly admitted herein, it is denied and Trans-Radial demands strict proof thereof.

Affirmative Defenses

First Affirmative Defense

7. The counterclaim fails to state a claim upon which relief can be granted and should be dismissed pursuant to Rule 12(b)(6) of the *Federal Rules of Civil Procedure*.

Second Affirmative Defense

8. The counterclaim is barred by the illegal actions, fraud and/or unclean hands of Burlington Medical, LLC.

Third Affirmative Defense

9. The counterclaim is barred by the equitable doctrine of laches.

Fourth Affirmative Defense

10. The counterclaim is barred by the equitable doctrine of estoppel.

Fifth Affirmative Defense

11. The Counterclaim is barred by the applicable statute of limitations.

Sixth Affirmative Defense

12. The Counterclaim is barred by acquiescence.

Seventh Defense

13. Trans-Radial reserves any additional and further defenses as may be revealed by information hereinafter discovered.

JURY DEMAND

Pursuant to Rule 38, Trans-Radial demands a trial by jury on all issues triable to a jury.

PRAYER FOR RELIEF

WHEREFORE, Trans-Radial Solutions, LLC prays for judgment as follows:

- a) That the Counterclaim be dismissed with prejudice and judgment entered for Trans-Radial as pleaded in the Complaint;
- b) That an order be issued awarding Trans-Radial its reasonable costs and attorneys' fees for this action pursuant to 35 U.S.C. § 285 and as pleaded in the Complaint;
- c) Granting such other and further relief as this Court may deem just and proper.

Dated: July 17, 2019

TRANS-RADIAL SOLUTIONS, LLC

By: /s/ W. Ryan Snow
Of Counsel

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of July 2019, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Eastern District of Virginia, Norfolk Division, using the electronic case filing system of the court, which will send a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accepting service by electronic means.

/s/ W. Ryan Snow

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